

EXHIBIT 86

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Page 1

1 IN THE UNITED STATES DISTRICT COURT.

2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3
4 NIKE, INC.,

5 Plaintiff,

6 vs.

Case No. 22-CV-983 (VEC)

7 STOCKX, LLC,

8 Defendant.

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13 The Videotaped Deposition of JACOB FENTON,

14 Taken at 28 West Adams Avenue, Suite 1500,

15 Detroit, Michigan,

16 Commencing at 8:48 a.m.,

17 Friday, December 2, 2022,

18 Before Stenographic Shorthand Reporter,

19 Lori Ann Baldwin, CSR-5207, RPR, CRR.

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1 APPEARANCES :

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11 Appearing on behalf of Plaintiff.

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19 Appearing on behalf of Defendant.

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25 APPEARANCES (Continued)...

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1 Q. How did you prepare for today's deposition?

2 A. I met with our counsel twice.

3 Q. And when were those meetings?

4 A. We met on Tuesday of this week, and we met yesterday.

5 Q. For approximately how long?

6 A. I think on Tuesday we met for about 45 minutes or an
7 hour, and yesterday we met for about six or seven
8 hours.

9 Q. What is your title at StockX?

10 A. My pres -- my title is Vice President of Customer
11 Experience and Insights.

12 Q. How long have you held the title of Vice President of
13 Customer Experience and Insights?

14 A. About nearly three years.

15 Q. Okay. So, in terms of calendar years, can you tell me
16 what year?

17 A. Yeah. I took that title, I believe, in January of
18 2020.

19 Q. And prior to January of 2020, did you work at StockX?

20 A. I did.

21 Q. And what was your title?

22 A. Vice President of Business Operations.

23 Q. And how long were you the Vice President of Business
24 Operations for StockX?

25 A. About 15 months.

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1 A. I do.

2 Q. How is that 99.95 percent rate calculated?

3 A. To the best of my knowledge, I believe it's calculated
4 as a percentage of customers that reach out to StockX
5 claiming that they have received something that is not
6 in line with their -- with what they expected to get,
7 and that we were essentially wrong, and we fixed it
8 for them.

9 Q. When you say that you "fixed it for them," what does
10 that mean?

11 A. If a customer is able to demonstrate that they've
12 received something that is not what they expected and
13 that they haven't worn it, you know, it has our tag on
14 it, we make it right for them.

15 Q. How do you make it right?

16 A. Either through a refund or by helping them procure
17 another pair.

18 Q. Does that include a customer complaining about
19 purchasing a counterfeit or fake product?

20 A. It does, yes.

21 Q. How would a customer know if they purchased a
22 counterfeit or fake product?

23 MS. BANNIGAN: Objection to form.

24 A. Depends on the customer. A lot of our customers are
25 very savvy and, you know, they might know a towel (ph)

2 A. I don't know definitively, but I -- it's a safe
3 assumption to say yes.

6 MS. BANNIGAN: Objection to form.

11 BY MS. DUVDEVANI:

13 A. We have a 99.6 accuracy rate, only .04 percent of the
14 products we pass are later determined to have been
15 missed -- passed an error, last 12 months.

18 A. That's correct.

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1 A. I'm assuming the Sail Off-White sneaker.

2 Q. Do you know what brand that shoe is?

3 A. The Nike.

4 Q. And what about the Mocha?

5 A. Same.

6 Q. Nike?

7 A. Yes.

8 Q. Okay. Going back to the first page of Exhibit 23, you
9 write a note that starts with the word "sure." Do you
10 see that?

11 A. I do.

■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

18 MS. BANNIGAN: Objection. I think you
19 missed some words in that.

20 MS. DUVDEVANI: The document speaks for
21 itself.

22 BY MS. DUVDEVANI:

23 Q. So don't have to take my word for it, Mr. Fenton, you
24 can read it yourself.

■ ■ [REDACTED]

§ 87(2)(b) [REDACTED]

§ 87(2)(b) [REDACTED]

§ 87(2)(b) [REDACTED]

